

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

LAURA V WHITSITT,

No. C 10-04996 LB

Plaintiff,

v.

**ORDER GRANTING DEFENDANT'S
MOTION FOR JUDGMENT ON THE
PLEADINGS AS TO PLAINTIFF'S
SECOND CAUSE OF ACTION**

COUNTY OF SAN MATEO,

Defendant.

[ECF No. 31]

On November 7, 2011, Defendant County of San Mateo filed a motion for judgment on the pleadings as to Plaintiff Laura Whitsitt's second claim, which alleged wrongful termination in violation of public policy cause. ECF No. 31 at 1.¹ Defendant argues that, pursuant to section 815 of the California Government Code, public entities are immune from common law claims. *Id.* at 2. Defendant further asserts that wrongful termination in violation of public policy cause of action is a common law, judicially created tort. *Id.* (citing *Tameny v. Atlantic Richfield Co.*, 27 Cal.3d 167, 176-178 (Cal. 1980)). Defendant concludes that it is statutorily immune from Plaintiff's second claim. *Id.* Plaintiff concedes that a governmental entity is not liable for a suit based on a common law cause of action and, accordingly, does not object to the court striking its second cause of action. Opposition, ECF No. 34 at 1.

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 After considering the case history, moving papers, and law, the court determines that this matter
2 is appropriate for resolution without oral argument. N.D. Cal. L.R. 7-1(b). The court **VACATES**
3 the hearing and **GRANTS** Defendant's unopposed motion because it, as a public entity, is statutorily
4 immune from common law torts such as Plaintiff's second claim, which asserts wrongful
5 termination in violation of public policy cause. *See Miklosy v. Regents of University of California*,
6 44 Cal.4th 876, 899-900 (Cal. 2008).

7 **IT IS SO ORDERED.**

8 Dated: December 2, 2011



LAUREL BEELER
United States Magistrate Judge